

REMARKS

The present invention is a hands-free device including a housing for use with a mobile telephone and a vehicle seat headrest support structure, a hands-free device for use with a mobile telephone and a vehicle seat headrest support of the type that includes a pair of pillars that extends from the headrest into a top portion of a vehicle seat, and a method of providing a mobile phone hands-free speaker and microphone device including a housing for use with a vehicle seat, headrest and seat/headrest support structure. In accordance with an embodiment of the invention, the strap 17 cooperates with a hands-free device 20 as illustrated in the drawings including Figs. 4 and 5. As illustrated in Fig. 4 and as described in paragraph [0034] of the specification, when the hands-free assembly 16 of Fig. 1 has been lowered into a position in Fig. 4 and the strap 17 has been pulled in the direction indicated by arrow 30, all of the slack in the strap will be removed. Thereafter, the movable module 18 is positioned at a center region 36 of the span portion 35. Thereafter the metal clip 46 is manually moved to matingly engage the central region of the span portion 35 of the elongated housing to tension the strip to provide secure attachment to the pillars 12 and 13. The tensioning is the result of the previous step of removing all of the slack as illustrated in Fig. 4 and thereafter, deflecting the module 18 to be locked into place with the span portion 35 which creates tension to securely hold the device in place. This structure was previously claimed.

Claim 14 stands objected for improper dependency. The dependency of claim 14 has been amended to claim 1 as indicated by the Examiner.

Claims 1 and 33-34 stand rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent 6,356,645 (Trenkle) in view of U.S. Patent 6,567,651 (Whitley). These grounds of rejection are traversed for the following reasons.

Each of independent claims 1, 25 and 32-34 substantively recite a hands-free device or method of providing a mobile phone hands-free speaker and microphone device including a housing for use with a vehicle seat or a method of securing a mobile phone hands-free speaker and microphone for use with a vehicle seat, headrest and headrest support structure. A strap and a strap tension means or mechanism is secured to the housing to provide the tension of the strap.

The Examiner correctly concludes that "Trenkle does not disclose a strap to be tensioned and held in tensioned condition by a strap tensioning mechanism". The Examiner then resorts to Whitley which the Examiner correctly describes as a "hands-free device including a housing or body for use with a mobile hands-free speaker or microphone device and a users arm midriff or leg". The Examiner concludes that Whitley has an adjustable clip to engage the users arm midriff or leg to secure the device to allow the user to carry the mobile phone. Column 6, lines 6-8 of Whitley teach that "[t]he strap 36 is preferably made from stretchable material and is able to be tightened using an adjustable clip 37".

Finally, in section 6 of the Office Action under the "Response to Arguments heading" the Examiner concludes as follows:

"In regards to Applicant's arguments filed in the Amendment on page 13, Examiner agrees that Trenkle does not disclose the usage of a strap with the hands-free device. However, Whitley clearly discloses using a strap which utilizes a tensioning mechanism or tensioning means to a housing to maintain tension in the strap. This is why this is a 103(a) rejection. Whitley clearly discloses a strap which is tensioned by an adjustable clip (Fig. 8, 37) to be worn

around a user's arm, midriff, or leg, in order for said device to stay in place around the user's arm, midriff, or leg. The hands-free phone device Trenkle can be modified to include a band device of Whitley (Fig. 8, 3) to secure the hands-free phone device and be placed on the vehicle headrest support structure in Fig. 1 of Trenkle.

In conclusion, the hands-free device of Trenkle can be modified to include the strap under tension as taught by Whitley to secure the device to the headrest. Please see the 103(a) rejections above."

It is submitted that a person of ordinary skill in the art would not be motivated as suggested by the Examiner to combine Whitley to achieve the subject matter of the independent claims.

Independent claim 1 recites a hands-free device including a housing... for use in combination with a strap that couples the device to the headrest support structure and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism... wherein the tensioning mechanism upon application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the headrest support structure. This subject matter would not be achieved by the proposed combination of Trenkle and Whitley.

If a person of ordinary skill in the art were to utilize the mechanism of Whitley, it would be secured around the headrest 14 of Trenkle with the adjustable clip 37 being tightened to a position such that the stretchable material 36 would be wrapped under tension around the pillars 14. This would not result in subject matter of claim 1 since the stretchable material 36 would contact the pillars 14 of Trenkle's system which would not result in a tensioning mechanism upon the application of tension to the strap being positioned to engage the housing of the device to maintain the strap

under tension to secure the device to the headrest support structure. The only mechanism for maintaining tension would be the stretching of the stretchable material 36 which is held in place by the adjustable clip 37 which does not engage the housing of the microphone device.

The Examiner has construed the housing or body to be element 31 as illustrated in Fig. 7 to which the mobile phone is clipped. However, with the stretching of the strap 36 to engage the pillars 14 of Trenkle, what would result is that the body 31 would not be in contact with the pillars or the clip 37. With this orientation, the tensioning mechanism would not be positioned as claimed to engage the housing to maintain the strap under tension to secure the device to the headrest support structure. In fact, the housing would have nothing to do with the maintaining of tension as required by claim 1 with its only purpose being to provide an attachment mechanism to the portable phone. Accordingly, if the proposed combination of Trenkle and Whitley were made, the subject matter of independent claim 1 would not be achieved.

Claim 25 also defines a hand-free device for use with a mobile phone and vehicle headrest support structure including a pair of pillars extending from the headrest into the top portion of vehicle, the elongated housing is provided with a strap securing structure that accommodates a strap that passes through the strap securing structure and around both pillars to be secured with a strap fastener at another end of the strap to thereby secure the device between the pillars and intermediate the headrest and the top of the seat and finally, the strap tensioning mechanism is recited as engaging the strap and upon application of tension to the strap is positioned to engage and engages the housing to the device to maintain the

strap under tension to secure the device to the headrest. As described above, the only tension maintaining mechanism would be the stretchable material 36 of the strap and the clip 37 for maintaining tension which would not meet the subject matter of claim 25.

Claims 32-24 in different degrees of scope recite a method including the aforementioned mobile hands-free device including a housing with the strap tensioning mechanism being attached to the housing of the device to tension the strap so that the strap passes under tension "through a portion of the device in at least spaced apart locations" as recited in claim 32, "passes through a portion of the device to thereby constrain the elongated device positionally to be in a parallel configuration with the strap, the strap then passing around the support structure whereupon the strap is fastened to itself to thereby provide a physically stable arrangement with the hands-free device secured between the headrest and the seat in close proximity to the neck and head of a mobile phone user and occupant in the vehicle seat" as recited in claim 33 and "thereby constrain the device positionally to be in a parallel relationship with centerline of the device and in a generally perpendicular relationship to the pillars, to thereby provide a physically stable arrangement with the hands-free device secured to the headrest and seat by the pillars in close proximity to the neck and head of the mobile phone user employing the device when the mobile phone user and occupant is in the vehicle seat" as recited in claim 34. This subject matter would not be achieved by the proposed combination of Trenkle and Whitley for the reasons set forth above since the only tensioning mechanisms that would be suggested to a person of ordinary skill in the art from the teachings of Trenkle is the stretchable strap material 36 held in a

tensioned state by the clip 37 which does not function to be tensioned in conjunction with the housing as recited in each of the claims. Accordingly, it is submitted that this subject matter of the independent claims is not rendered obvious by the proposed combination of Trenkle and Whitley.

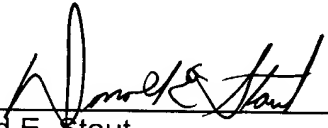
The dependent claims define more specific aspects of the present invention which are not rendered obvious by the proposed combination of Trenkle and Whitley.

In view of the foregoing amendments and remarks it is submitted that each of the claims are in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0173.40183X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments

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